REMARKS

Applicant respectfully requests consideration of the following remarks.

Examiner Interview

An interview was held between Examiner Bullock and the Applicant's undersigned attorney on May 18, 2006. Applicant's undersigned attorney would like to thank the Examiner for this interview.

Anticipation Rejections Under 35 U.S.C. § 102

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Anticipation Rejection Based on United States Patent 6,226,684 to Sung et al.

Claims 5, 39-42, 44, 72-75, and 77 were rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent 6,226,684 to Sung et al. (hereinafter "Sung"). Applicant respectfully traverses this rejection, as set forth below.

Claim 5 recites:

5. A system comprising:

a router, the router **coupled with a network**;

a number of dispatchers **coupled with the router**, each of the dispatchers having a local dispatch table, wherein at least two of the dispatchers share a session entry identifying a client and a selected server; and

a plurality of servers, each of the plurality of servers **coupled with each of the number of dispatchers**;

wherein the router directs each communication received from the network to one of the number of dispatchers, the one dispatcher to determine which of the plurality of servers is to receive the communication.

Claim 39 recites:

39. A method comprising:

receiving a packet at a router, the **router coupled with a plurality of dispatchers**, the packet including a connection request **from a client**;

transmitting the packet from the router to a first dispatcher of the plurality of dispatchers;

selecting a server from a plurality of servers **coupled with the plurality of dispatchers**;

placing a session entry in a local dispatch table of the first dispatcher, the session entry identifying the client and the selected server;

broadcasting a dispatch table update from the first dispatcher to all other dispatchers of the plurality of dispatchers, the dispatch table update identifying the client and the selected server;

transmitting the packet to the selected server;

receiving a second packet at the router from the client; and

transmitting the second packet from the router to a second dispatcher of the plurality of dispatchers, the second dispatcher to search a local dispatch table of the second dispatcher to identify the selected server and transmit the second packet to the selected server.

Independent claim 72 recites some limitations similar to those recited in claim 39.

It appears the Examiner is equating the bank of routers 14, 56 in each of FIGS. 3 and 4 of Sung to the claimed dispatchers. Note, however, that Sung fails to disclose a router disposed between the client 12 and the bank of routers 14, 56. **In the Examiner Interview of May 18, 2006, agreement was reached that the data center 18 in FIGS. 1-4 of Sung was a reference to the data center as a whole, and that reference numeral 18 did not identify a specific component having any functionality by itself (e.g., separate from and/or in addition to the components of the data center, such as the routers 14).**

In contrast to Sung, in the claimed embodiments a router is coupled with a network (or client), and this router is, in turn, coupled with the number of dispatchers. The number of dispatchers are also coupled with a plurality of servers.

As Sung fails to disclose at least the above-noted limitations of independent claims 5, 39, and 72, each of these independent claims is patentable in view of Sung. Also, claims 40-42, and 44 are allowable as depending from novel independent claim 39, and claims 73-75 and 77 are allowable as depending from novel independent claim 72.

Obviousness Rejections Under 35 U.S.C. § 103

To reject a claim or claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a prima facie case of obviousness. M.P.E.P. § 2142. When establishing a prima facie case of obviousness, the Examiner must set forth evidence showing that the following three criteria are satisfied:

> First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (or references when combined) must teach or suggest all the claim limitations. M.P.E.P. § 2143.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. M.P.E.P. § 2142 (citing *In re Vaeck*, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991)). Also, the evidentiary showing of a motivation or suggestion to combine prior art references "must be clear and particular." *In re Dembiczak*, 175 F.3d 994, 999, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999).

Obviousness Rejection Based on United States Patent 6,226,684 to Sung et al in View of United States Patent 6,496,510 to Tsukakoshi et al.

Claims 9 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sung in view of United States Patent 6,496,510 to Tsukakoshi et al. (hereinafter "Tsukakoshi"). Applicant respectfully traverses this rejection, as set forth below.

For the reasons set forth above, Sung fails to disclose at least the above-noted limitations of independent claim 5. Also, Tsukakoshi, either individually or in combination with Sung, fails to disclose all limitations of claim 5. If an independent claim is nonobvious, then any claim depending from the independent claim is also nonobvious. M.P.E.P. §2143.03 (citing *In re Fine*, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988)). Therefore, claims 9 and 10 are allowable as depending from nonobvious independent claim 5.

Obviousness Rejection Based on United States Patent 6,226,684 to Sung et al.

Claims 6-8, 11, 12, 43, 45, 76, and 78 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sung. Applicant respectfully traverses this rejection, as set forth below.

For the reasons set forth above, Sung fails to disclose at least the above-noted limitations of each of independent claims 5, 39, and 72 and, therefore, each of these claims is patentable in view of Sung. If an independent claim is nonobvious, then any claim depending from the independent claim is also nonobvious. M.P.E.P. §2143.03 (citing *In re Fine*, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988)). Therefore, claims 6-8, 11, and 12 are allowable as depending from nonobvious independent claim 5, claims 43 and 45 are allowable as depending from nonobvious independent claim 39, and claims 76 and 78 are allowable as depending from nonobvious independent claim 72.

CONCLUSION

Applicant submits that claims 5-12, 39-45, and 72-78 are in condition for allowance and respectfully requests allowance of such claims.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666.

Respectfully submitted,

Date: May 26, 2006

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Signature: _____ 05/26/06
Theresa Belland Date